

**REMARKS**

Claims 1-65 were presented for examination and were rejected. Applicant now requests reconsideration and allowance of claims 1-65.

It is noted in the Office Action that the priority claim requires at least one common inventor. Applicants submit herewith a Petition to Correct Inventorship to add Marko Balabanovic as inventor to this patent application. Marko Balabanovic is an inventor in the parent patent application. Therefore, it is respectfully submitted that the priority claim is now correct.

***Claim Rejections - 35 USC § 102***

Claims 1-5, 9-21, 29-33, and 62-64 have been rejected under 35 U.S.C. 102(b) as being unpatentable by *Balabanovic* ("Balabanovic" Multimedia Chronicles for Business Communication).

This patent application is a CIP of U.S. Patent Application Serial No. 09/407,010, issued as US Patent No. 6,624,826 filed on September 28, 1999, which predates the *Balabanovic* article dated 2000. It is respectfully submitted that *Balabanovic* is not a 102(b) reference. Withdrawal of this rejection is respectfully requested.

Claims 44, 50, 51, 55, 57, and 58 have been rejected under 35 U.S.C. 102(b) as being anticipated by Sound Forge V4.5 ("SOUND FORGE V4.5", Sound Forge for Windows 95 and NT version 4.5).

The claimed invention of claims 44, 50, 51, 55, 57, and 58 advantageously provide a simple and cost-effective method for joining and splitting audio elements. Claims 44 and 50-51

allow for flexible and intuitive joining of single audio elements, or joining multiple audio elements as a part of larger multimedia messages. Claims 55 and 57-58 allow for flexible and intuitive splitting of single audio elements, or splitting multiple audio elements and rejoining the split audio elements as a part of a larger multimedia message.

SOUND FORGE V4.5 discloses a sound display module, containing amplitude versus time waveform functions. The various modules in Figures 2-4 disclose a variety of different sound waveform functions, but no disclosure is made in SOUND FORGE V4.5 regarding a method for joining these waveform functions.

Even if a method for joining these waveforms was disclosed by SOUND FORGE V4.5, which Applicants do not concede, the waveforms created by this method in no way resemble the audio elements of the presently claimed invention of claims 44 and 50-51. The Figures of SOUND FORGE V4.5 merely disclose various screen shots that include waveforms, and do not disclose the various limitations of claims 44 and 50-51. Furthermore, SOUND FORGE V4.5 does not disclose “retrieving information from the second audio element and storing it in the new audio element” as recited in claim 44; and does not disclose “storing the retrieved information from the second audio element in the first audio element” as recited in claim 50. Figures 3 and 4b of SOUND FORGE V4.5 simply disclose another waveform module with no disclosure of how the waveform was generated, unlike the method of claims 44 and 50. Lastly, no disclosure is made in SOUND FORGE V4.5 regarding deleting an audio element, as recited in claims 44, 50, 55, and 57. A waveform not appearing on a display module, as shown in Figures 3, 4b, 5b, and 6b of SOUND FORGE V4.5, does not constitute deleting a waveform, or an audio element for that matter.

SOUND FORGE V4.5 discloses a sound display module, containing amplitude versus time waveform functions. The various modules in Figures 5-6 disclose a variety of different sound waveform functions, however, no disclosure is made in SOUND FORGE V4.5 regarding a method for splitting these waveform functions, in accordance with the recitations of claims 55 and 57-58. The Figures of SOUND FORGE V4.5 merely disclose various screen shots that include waveforms, and do not disclose the various limitations of claims 55 and 57-58. In particular, SOUND FORGE V4.5 does not disclose “receiving user input identifying an original audio element to be split, the original audio element containing a beginning point, an ending point, and a splitting point, the splitting point situated in between the beginning point and the ending point” as recited in claims 55 and 57. SOUND FORGE V4.5 merely discloses individual waveform functions, but does not disclose how these functions came to be displayed in a module, much less identifying, by user input, an original audio element with a beginning point, ending point, and a splitting point. No user or user input is identified by SOUND FORGE V4.5. Furthermore, SOUND FORGE V4.5 does not disclose “storing audio data in a new audio element” where the audio data is retrieved from the original audio element, as variously recited in claims 55 and 57. In Figures 5b and 6b, SOUND FORGE V4.5 discloses more display modules containing more sound waveforms, yet no mention of the relationship between the “new” display modules 550, 555, 630 and the “original” display modules 540, 600 is made, nor is a method disclosed for splitting the “original” display modules 550, 555, 630 to form the “new” display modules 540, 600, in accordance with the claimed recitations of claims 55 and 57.

Therefore, for at least these reasons, Applicants submit that claims 44, 50-51, 55 and 57-58 are patentably distinct over the art of record and respectfully request that they be passed to allowance.

***Claim Rejections - 35 USC § 103***

Claims 65 has been rejected under 35 U.S.C. 103(a) as being unpatentable over *Balabanovic* (“*Balabanovic*” Multimedia Chronicles for Business Communication).

As noted above, this patent application is a CIP of U.S. Patent Application Serial No. 09/407,010, issued as US Patent No. 6,624,826 filed on September 28, 1999, which predates the *Balabanovic* article dated 2000. It is respectfully submitted that *Balabanovic* is not a 103(a) reference. Withdrawal of this rejection is respectfully requested.

Claims 22-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Winamp* (“*Winamp*”, Winamp version 2) in view of *Balabanovic* (“*Balabanovic*” Multimedia Chronicles for Business Communication).

It is noted that *Winamp* was discussed in the Amendment filed February 3, 2005, and the arguments of that Amendment are incorporated herein. For the reasons noted above, *Balabanovic* is not a 103(a) reference. Because *Winamp* does not disclose or even suggest at least the features noted in the Office Action, *Winamp* cannot render claims 22-28 unpatentable. Therefore, it is respectfully submitted that claims 22-28 are patentable over the references of record. Withdrawal of this rejection is respectfully requested.

Claims 6-8 and 34-35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Balabanovic* ("*Balabanovic*" Multimedia Chronicles for Business Communication) in view of *Capps* ("*Capps*", US# 5,151,998).

It is noted that *Capps* was discussed in the Amendment filed February 3, 2005, and the arguments of that Amendment are incorporated herein. For the reasons noted above, *Balabanovic* is not a 103(a) reference. Because *Capps* does not disclose or even suggest at least the features noted in the Office Action, *Capps* cannot render claims 6-8 and 34-35 unpatentable. Therefore, it is respectfully submitted that claims 6-8 and 34-35 are patentable over the references of record. Withdrawal of the rejection is respectfully requested.

Claims 37-39, 42, and 43 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Balabanovic* ("*Balabanovic*" Multimedia Chronicles for Business Communication) and *Capps* ("*Capps*", US# 5,151,998) in view of *Sound Forge V4.5* ("SOUND FORGE V4.5", Sound Forge for Windows 95 and NT version 4.5).

It is noted that *Capps* was discussed in the Amendment filed February 3, 2005, and the arguments of that Amendment are incorporated herein. The SOUND FORGE V4.5 is described above. For the reasons noted above, *Balabanovic* is not a 103(a) reference. Because *Capps* and SOUND FORGE V4.5 do not disclose or even suggest at least the features noted in the Office Action, *Capps* and SOUND FORGE V4.5, either individually or in combination, cannot render claims 37-39, 42, and 43 unpatentable. Therefore, it is respectfully submitted that claims 37-39, 42, and 43 are patentable over the references of record. Withdrawal of the rejection is respectfully requested.

Claims 40 and 41 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Balabanovic* (“*Balabanovic*” Multimedia Chronicles for Business Communication) and *Capps* (“*Capps*”, US# 5,151,998) in view of *Winamp* (“*Winamp*”, Winamp version 2) in further view of Sound Forge V4.5 (“SOUND FORGE V4.5”, Sound Forge for Windows 95 and NT version 4.5).

It is noted that *Capps* was discussed in the Amendment filed February 3, 2005, and the arguments of that Amendment are incorporated herein. For the reasons noted above, *Balabanovic* is not a 103(a) reference. Because *Capps*, *Winamp*, and SOUND FORGE V4.5 do not disclose or even suggest at least the features noted in the Office Action, *Capps*, *Winamp*, and SOUND FORGE V4.5, either individually or in combination, cannot render claims 40 and 41 unpatentable. Therefore, it is respectfully submitted that claims 40 and 41 are patentable over the references of record. Withdrawal of the rejection is respectfully requested.

Claims 45-49, 52-54, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sound Forge V4.5 (“SOUND FORGE V4.5”, Sound Forge for Windows 95 and NT version 4.5) in view of *Winamp* (“*Winamp*”, Winamp version 2).

SOUND FORGE V4.5 is described above. *Winamp* has been cited merely for ordinal values. Because *Winamp* does not disclose or even suggest the features of base claims 44, 50, and 57, and SOUND FORGE V4.5 also does not for the reasons above, SOUND FORGE V4.5 and *Winamp* cannot render claims 45-49, 52-54, 59, and 60 unpatentable.

Claims 56 and 61 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sound Forge V4.5 (“SOUND FORGE V4.5”, Sound Forge for Windows 95 and NT version 4.5) in view of Schuur et al (“*Schuur*”, US# 5,504,853).

SOUND FORGE V4.5 is described above. *Schuur* has been cited merely for determining and updating links. Because *Schuur* does not disclose or even suggest the features of base claims 55 and 57, and SOUND FORGE V4.5 also does not for the reasons above, SOUND FORGE V4.5

**Conclusion**

In sum, Applicants respectfully submit that claims 1-65, as amended and presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of these claims. In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,  
John W. Barrus et al.

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